

## WASTE 2 RESOURCES ADVISORY COMMITTEE

### \*\* MEETING SUMMARY \*\*

July 15, 2014, 9:30 a.m.

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John Sherman, Committee Chair, called the meeting to order at 9:40 a.m. and introductions were made. He asked for a motion to approve the May 20, 2014 meeting notes. Sego Jackson asked to revise page 4, paragraph 9 to say *"Sego Jackson said that no more than 50 percent can be retained. In recent years, this has become a rigorous process to ensure ratepayers will benefit."* Suellen Mele asked to revise page 3, paragraph 6 to say *". . . this biennium we had the highest amount of grant money available in the history of PPGs. Some groups didn't apply because funding was retracted the prior biennium."*

There was a motion to adopt the meeting notes as amended. The motion was seconded and the notes were approved.

#### ***Legislative/Budget Update – Lorie Hewitt***

***Contact: 360-407-6071, [Lorie.Hewitt@ecy.wa.gov](mailto:Lorie.Hewitt@ecy.wa.gov)***

We are developing budget proposals for the 2015-17 Biennium, which are due to OFM in September. The Department of Ecology (Ecology) was asked to do a budget reduction exercise involving only the General Fund. The impact to the Waste 2 Resources (W2R) Program is minimal.

For the 2015-17 Biennium, OFM approved a carry-forward maintenance level for W2R's Operating Budget. There is a proposal to restore the \$1.7 million one-time reduction to the Waste Reduction, Recycling, and Litter Control Account (WRRLCA), for a total proposed appropriation of about \$11 million. However, \$10 million would still go to State Parks through 2017.

CPG funding is proposed at \$29.6 million, which includes a Fiscal Growth Factor of \$1.5 million. PPG is proposed at \$3.8 million, which is the highest proposed appropriation in the history of the program.

The proposal for waste tires is \$1 million (the usual amount). For biosolids, there is a slight increase of \$160,000 (fiscal growth factor per statute).

There are four Capital Budget projects proposed for cleanups for Lilyblad, and the Port Angeles, Ephrata, and Sudbury Road landfills.

Suellen Mele asked about the current budget reduction process. Lorie explained that we're undergoing a 15 percent exercise. So far this only involves the General Fund. Suellen also asked about MTCA. Lorie said there will be lots of competition for the funding.

Jan Gee said she would like to see the environmental community be aggressive in protecting litter funding. Suellen said she would like to have more discussion about that with Jan.

Lorie talked about the Governor's Executive Order and speech regarding fish consumption rates, and his legislative proposal called *Reducing Toxic Threats*. Proposed elements include green chemistry; alternatives assessments for processes and products that contain listed priority chemicals, and potential bans if there are safer alternatives; PCB cap implementation; and implementation authority and money for all caps.

Ecology wants to propose legislation to add peripheral devices such as DVRs, VCRs, and keyboards to the E-Cycle Washington Program. We will need the Governor's approval to move forward.

Ecology previously proposed legislation that would remove the 25 percent match for CPG, but won't pursue reintroducing it this session. Agency request legislation includes one on climate change, and one on the definition of oil to include oil by rail.

Jan Gee and litter taxpayers are pursuing the return of litter tax revenue to Ecology.

It is rumored that legislation will be reintroduced on paint product stewardship, as well as a bill that raises the fine for illegal dumping.

Sego Jackson asked about existing illegal dumping fines. How often are fines issued and would it be beneficial to increase them? John Sherman said that Tacoma Pierce County Health used to issue tickets for dumping, but hasn't in about the last four years. Art Starry said that Thurston County Health sometimes finds fines effective, but they don't use that part of the RCW very often.

Jan Gee said that some research on fines would be beneficial. John Sherman will work with Art Starry to pull together more information. Janine Bogar commented that the statute itself is confusing.

Suellen Mele said there have been active conversations about paint during the interim and stakeholders have met to discuss the issues. There has also been a lot of activity in the nation about batteries and stewardship, including rechargeable batteries.

***Mercury Lights Status Update – Joanne Neugebauer-Rex***

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Lorie Hewitt introduced Joanne Neugebauer-Rex, who is now Ecology's staff on point to work on mercury lights.

Joanne reported that we received a draft plan from Product Care Association (PCA). The public comment period was June 18 – July 9. We are currently reviewing comments and will discuss them with PCA. We are also in a budget review process for fee approval.

Joanne is working on getting data from other states including Maine and Vermont, and also British Columbia. Peter Thermos (PCA) will do our education and outreach plan.

Jan Gee pointed out the fee is embedded at the manufacturer's level. Lorie Hewitt said there are other options, namely that the retailer can opt to collect the fee and send it to the product stewardship organization. Craig Lorch wanted to clarify that the fee could come to play at any point – manufacturer, point of sale, etc. Craig said the state will have to work to identify who manufacturers are. He used the example of Western Family brand light bulbs.

Suellen Mele wanted clarification on who will sign up collectors to participate. Joanne said that PCA is doing that work.

***State Plan Update – Opportunity for W2RAC’s Input – Janine Bogar***  
**Contact: 360-407-6654; [Janine.Bogar@ecy.wa.gov](mailto:Janine.Bogar@ecy.wa.gov)**

Janine gave the Committee a PowerPoint presentation previewing the first draft of the State Plan update. See Janine’s presentation posted on the W2RAC website. Input from stakeholders was used to inform this draft. We’re currently getting input from staff and management before sending the first draft to the public. We will solicit public comments in August and September.

Janine reviewed the main themes of comments from stakeholders as a reminder of what we heard from them. She went over an introduction to the plan, including that the plan is required by two laws. We published two reports on progress made on the last plan. Both a short and long summary are available online.

Sego Jackson said he thinks there are two main issues Ecology should address: threats to organics systems, and issues with C&D and sham recycling.

Janine reviewed what the 2035 vision would look like, and key principles and strategies. We’re including the concept of sustainable materials management and adopting Oregon’s model of the lifecycle of materials.

Suellen Mele talked about the importance of connection between end-of-life management and where materials are really going. Sego Jackson said he has seen another model like Oregon’s with reuse added in that he thinks it would be helpful. He encouraged us to consider it.

John Sherman suggested addressing how this fits in with local plans in a bullet under “Principles and Strategies.”

Janine gave an overview of the draft plan update. We’re focusing on goals and actions, and much of the work is resource dependent. She also reviewed focus areas for the W2R Program, including waste, organics, toxics, data, finance, new goals and measures, and building materials.

Carolyn Logue said she doesn’t see litter collection language in the plan, which is important to the litter tax. Janine said that we added litter to the plan. We’d like to do more litter prevention and the litter survey, as well as continued litter pickup. The focus of the plan’s goals and actions is on work that we aren’t currently doing.

Sego Jackson asked if anaerobic digestion is included in organics. Janine said yes.

Brad Lovaas asked if anything is included under toxics about maintaining hazo houses. Janine said that right now it’s addressed under infrastructure.

Suellen Mele asked if we’re connecting waste reduction to climate change in the plan’s goals and actions. Janine said yes, e.g. participating with EPA on the West Coast Climate and Materials Management Forum.

Jan Gee asked if we will propose an actual recycling rate or improvement. Janine said we have an action to work with stakeholders on setting new goals.

Brad Lovaas asked if the State Plan will say we should continue exempt facilities. Janine said yes (for now). John Sherman suggested changing the wording in the plan to *“if we’re going to continue having exempt facilities, they should be better tracked.”*

Regarding closed and abandoned landfills, John Sherman asked if the State Plan loops in the Toxics Cleanup Program (TCP) and the Hazardous Waste and Toxics Reduction Program (HWTR). Janine said we’re including better coordination.

Brad Lovaas asked if Ecology is planning to implement the transporter law in the next five years. Lorie Hewitt said there is a need for more staff training and resources to enforce it. We’re on a path to track exempt facilities more closely. Further discussion is needed, so exempt facilities will be added to the list of future W2RAC agenda items.

Jan Gee asked why facilities would be deemed exempt. Lorie Hewitt said because they’re the ones that are considered lower risk. The classification was designed to avoid over-regulation. Both Sego Jackson and Brad Lovaas said exempt facilities include MRFs that claim a high recycling rate.

Suellen Mele asked how the -350 rule update and the State Plan update will interact. Lorie Hewitt said the State Plan will be completed long before the rule. Janine said that part of what we’re updating in the rule is included in the State Plan.

Suellen Mele expressed concerns about using the term “conversion technology.” There isn’t a problem figuring out where “Waste to Energy (WTE)” fits in the hierarchy. It is not higher than landfilling. Janine said she has heard positive feedback about WTE, mainly from the east side of the state, and there are also new technologies we need to stay informed about. Brad Lovaas said the state should focus more on source separation. Suellen said “conversion technology” lumps anaerobic digestion, plastics to oil, pyrolysis, etc. together. We should call out WTE separately. Sego Jackson commented that he’s more comfortable with the conversion technology term, but it’s not all equal. It’s more of a mixed bag.

Sego Jackson asked how we might assist the private sector financially, e.g. MRFs and compost facilities. We rely on the private sector a great deal, yet do not provide a lot of assistance for them to do the work.

John Sherman suggested changing the goal that reads *“Fewer petroleum based pesticides and herbicides needed . . .”* to *“Reduce pesticides . . .”* Some that are not derived from petroleum are still problematic.

Brad Lovaas would like to see Extended Producer Responsibility (EPR) tied with hazo house (or MRW) collection sites. These sites should be expanded, especially in more populous areas.

Art Starry talked about environmentally preferred purchasing (EPP) and third-party labeling. Is there a way to label products in a less confusing way to provide information to people so they know when they’re making better choices?

John Sherman asked if the State Plan will include better collaboration with TCP and local source control on nonpoint sources of toxic pollution. Janine said she would have to check.

Brad Lovaas wanted to know if Ecology has thought about putting more emphasis on collecting toxic products through grant programs. King County only has four MRW sites. Sego Jackson said they might not choose to have more sites even if they could afford it. Lorie Hewitt mentioned that a significant portion of CPG grants already go to MRW collection.

Sego Jackson talked about how to define level of convenience. Add something to the plan about convenience levels needed to get the job done for different kinds of materials.

Art Starry asked about the state having a performance standard for how many hazo houses, collection sites, etc. there are or levels of service. Is a performance standard included in the State Plan? Janine said it wasn't suggested in the comments we received, but earlier work done by Thurston County showed people want to drive less than 20 miles to access a site.

Sego Jackson said there have been ongoing discussions on product stewardship, including the level of convenience. Is there a way to determine the level to get the job done?

Jerry Smedes said that we need to think about where to put our resources to get the biggest bang for the buck (return for the investment). We need to determine where to put our policy drivers to get the job done. For example, how many resources should go into convincing manufacturers to change a product, versus educating about products that are out there.

Carolyn Logue suggested that perhaps it's about determining where we will have the biggest sphere of influence. It may be difficult to influence manufacturers in another state.

Sego Jackson said it would be beneficial if we could focus on how to expand our sphere of influence. Look at the Southeast, where solid waste companies and product manufacturers work together to expand recycling.

Suellen Mele said she thinks there are toxic products that we've dealt with for a long time, e.g. oil-based paint and pesticides. The issue of toxics in products is so much broader and there is a need for different solutions. Janine said part of the State Plan is focused on toxics in consumer products in addition to MRW. Carolyn Logue asked if the impact is upon disposal or before, during use. We need to look at it in terms of impact on human health and the environment.

Brad Lovaas said one of his industry's jobs is to manage waste that's left over and put it toward the most beneficial use. They recognize toxics in products and have to deal with them every day. In the next five years Ecology should deal with those who are reporting 95 percent recycling and are really only recycling 50 percent. What are we going to accomplish in five years that's tangible?

Regarding data, Art Starry asked if part of the goal is consistency of data collection. For example, it is difficult to compare Thurston County to other counties. Are we going to improve on this? Janine said the data is based on what facilities report.

Brad Lovaas said a good goal would be agreement among jurisdictions on the definition of recycling and what is reported across the state. John Sherman also liked the idea of more consistency in data reporting. Gretchen Newman said that we have goals on data quality and facility reporting, additional resources, and inspections.

Brad Lovaas suggested that we don't need a full-on inspection program for exempt facilities. Occasional visits would cause word to spread that we're checking facilities. He also said that he didn't note the word "enforcement" in the entire draft plan and that we've commented we need training. He recommended that we include that as a goal in the plan. It was pointed out that the enforcement term and a goal are in place.

### ***Agenda Items for Future Meetings***

The Committee talked about agenda items for the September meeting and prioritized them as follows: Exempt facilities/sham recycling (what Ecology and health departments can do); E-Cycle Washington update (WMMFA and legislation); -350 Rule update; a report on illegal dumping fines; and the structure of W2RAC. Also include a report on State Plan comments received, if it's timely.

*Note: The September agenda will depend on available time. Susanne McLemore has since pointed out that other agenda items were already slated for September, e.g. David Baker's presentation on DES's work on reuse and recycling.*

Following is the complete list of future agenda items:

- Waste Management's Behavior Study – September/November 2014
- DES Work: Reuse & Recycling – David Baker, September 2014
- Committee Structure – Laurie Davies, September 2014
- Comments Received on State Plan – Janine Bogar, September 2014
- E-Waste Program – John Frederick and Miles Kuntz, September 2014
- Exempt Facilities/Sham Recycling – TBD
- -350 Update - TBD
- Illegal Dumping Fines – TBD
- Update on Junk in Compost – TBD
- 1-800-Recycle Hotline Changes – TBD

***Meeting adjourned at 11:50 a.m.***

**Submitted by: Susanne McLemore**